

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 8th day of December 2014 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

| | | |
|--|---------------------------|-----------------------|
| Roll Call: Denise M. deMedeiros-President | Jay J. Lambert | Peter A. Mello |
| Joan B. Chabot -Vice President | Brett N. Pelletier | David Perry |
| Joseph R. Sousa | | |

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with “(CA) “are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of item CA10, Town Administrator – Distribution of Department Monthly Reports for November and Councilor Pelletier requested removal of item, CA 9, Town Administrator – Distribution of VHB Engineering Report Regarding Stone Bridge Abutment.

Councilor Lambert made a motion, seconded by Councilor Pelletier to approve the rest of the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

a. Approval of Regular Council Meeting Minutes November 24, 2014

A-2-Receipt of Minutes from the Following Boards, Commissions:

a. Tiverton Library Services b. Prevention Coalition November News Letter c. Arts Council

A-3-Correspondence – Receive and File:

a. Richmond Town Council Resolution - November 2014 Pancreatic Cancer Awareness Month
b. Samaritans of Rhode Island Thank You for Municipal Donation of \$500.00
c. Edward A. Roderick, 19 Sparrow Drive – Congratulations and Thanks

A-4-Tax Assessor – Approval of Abatements

A-5-Approval of Revised Town Council Meeting Schedule for 2015

A-6-Town Administrator – Distribution of Overtime Report for Fire Department

A-7-Street Advisory Committee Recommendations for Indian Hill Road, Sawdy Pond Avenue and Old Bulgarmarsh Road - Received and Scheduling for Public Input on January 26th

A-8-Distribution of Town Council Governance Policy for Discussion on December 22nd Meeting

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-9-Town Administrator – Distribution of VHB Engineering Report Regarding Stone Bridge Abutment

Councilor Pelletier requested a brief update on the Stone Bridge Abutment project. Administrator Wojcik explained the report was current with a 30% design; a change of conditions in the abutment, deteriorating quicker than anticipated. Original plan was to drive sheeting into the wall that is no longer valid as there is nothing behind it. Original plan was to use a barge, with a design change driving the sheeting from the top a barge will

not be required, saves money. The design will be more attractive, option for open style railing system. Falls within the exiting budget, trying to meet the schedule for next year. Will come back to the Council for sign off, Grinnell's will probably not be available next year.

Councilor Pelletier motioned, seconded by Councilor Perry to accept the report in CA9, Distribution of VHB Engineering Report Regarding Stone Bridge Abutment. Motion passed unanimously.

CA-10-Town Administrator – Distribution of Department Monthly Reports for November

Councilor Perry read from the Treasurer's report regarding the library bond rating, was issued a rating of Stable AA, S&P's most notable concern was the use of the unreserved General Fund to balance the FY 2015 budget. Wanted to bring that to everyone's attention. Councilor Sousa requested getting a figure on cost from the Treasurer for the next agenda.

Councilor Pelletier made a motion, seconded by Councilor Lambert to accept CA10, Distribution of Department Monthly Reports for November. Motion passed unanimously.

A-11-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

1. Leon W. Hoyer, Chair Library Building Committee – Update on Library Construction

Dr. Hoyer thanked the Council for the opportunity, updated on the Library construction. Building exterior completely done, left with interior construction. Drywall is in, painting mostly done, various systems in place. Expect substantial completion by the end of March. After completion an audit will be conducted by the state library system. The project is on budget, on time. Looking into having a mural done by Mika Seeger regarding Town history, looking to find funds. National endowment for the arts requires submitting from a local arts organization or a Town official. Working on the details, hope to submit for the next meeting.

Jeff Belli, regarding William Barton Drive sinkhole, on an unaccepted road, has been repaired, puts the Town in a difficult situation if cutting off services on other roads. Justin Katz commented on several topics, requested the Council reconsider allowing comments during parts of the agenda. Regarding the Fire Department, paid \$30K for a study, was heavily redacted. Pursuing an appeal on the redaction, people should have some sense of what was said. Regarding the Budget Committee (BC) appointment, if it is not the next vote getter will be the first time in Tiverton, should reinforce the precedent as Mr. Martin is willing to serve. Regarding RhodeMapRI suggest moving carefully before approving this plan. Their website has multiple growth plans, divides the State into urban and non-urban corridors. It divides Tiverton for urban development, raises concerns about eminent domain. The next two comments are regarding the Town Planner, President deMedeiros called for a motion to move this item up in the agenda.

Item moved up in the agenda.

Councilor Pelletier made a motion, seconded by Councilor Perry to move up out of order item I3, Discussion of Town Planner Appointment to the current position on the agenda. Motion passed unanimously.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

3. Discussion of Town Planner Appointment

Administrator Wojcik explained the previous Council expressing its policy instructed the T/A to advertise, done on 2 separate occasions, for a Town Planner. Timed this in accordance with the new Council. Reviewed the recommendations, looking for direction before moving forward. A Town Planner will be able to deal with the Industrial Park (the Park), grants, really want some closure. Had 12 applicants for the two rounds; final 3 have AICP certification, need to schedule final interviews. The Council does not have to give a three year contract, can have a one year with specific objectives. Have a number of budgetary considerations in the next fiscal year. The Park is the best option to grow the commercial tax base. A real policy concern for the Council as the policy making body. President deMedeiros allowed public comment on this topic to be followed by Council discussion. Susan Gill, a member of the Planning Board (PB) and other commissions spoke at length requested the Council

reconsider appointing a Planner at this time as there would be a new Planner, Administrative Officer and PB clerk. Coming up are the Tiverton Crossing project, Stone Bridge and the Comp Plan update. It is important to have a Town Planner but not fair to the applicants. Submitted a timeline to the Town Clerk regarding the Personnel Board and Town Planner hiring events. Ms. Gill read a letter submitted by Louise Durfee supporting the need for a full time Planner, the disservice done to Kate Michaud and the professional way Kate Michaud has performed her job. Ms. Gill also submitted letters from Len Schmidt, Stu Hardy and Carol Guimond, Ed Campbell, extremely impressed with Ms. Michaud.

Steve Hughes, PB Chair spoke about the need for a Planner, described various duties of a Planner-develops and creates original solutions, consults with State leaders, researches, designs planning policies, stays up to date with land use regulations, the Comp Plan. Obviously important in any Town to have someone who performs all these duties. The best choice for the Town of Tiverton is Kate Michaud, a dedicated employee who works with every department, comes across as intelligent and professional. Ms. Michaud is well qualified, has been performing all the duties mentioned, the best candidate, a very valuable asset. Trish Hilton, Vice-Chair of the Conservation Commission has worked closely with Ms. Michaud, has tremendous respect for her professionalism, dedication. Ms. Michaud has institutional knowledge, understands the conditions of the Town. Speaking as private citizen need to figure out a process to compensate Ms. Michaud for this position. Councilor Lambert spoke to a number of people, agreed with all the speakers, the facts as recited by Susan Gill are fairly accurate. The process was a disgrace. Section 1007 of the Town Charter outlines the duties and responsibilities of the Personnel Board. Determines the number of applicants qualified to be interviewed before the Council gets a recommendation; the process is out of the purview of the Council.

Solicitor Teitz explained if Council not satisfied with recommended candidate by T/A or feels process flowed; can go through the process again, like it did for the second time to pick someone other than the first three and start over. Discussed ideas with the Personnel Board at length, is not clear in the Charter if the candidate has to be the best qualified or minimally qualified. Councilor Pelletier questioned if a new process was needed if the Council picked anyone outside of those three. What directions can the Council express to the Personnel Board to qualify a candidate when one of the three candidates does not fit the criteria? Solicitor Teitz explained the Charter removes the Council from the choice, can reject a candidate, can't choose one, up to the Administrator to recommend. Solicitor Teitz suggested a process where the Personnel Board does not rank but recommends the top 3, then the next top 3, etc. Charter states send 3. If necessary the T/A goes back to the Personnel Board for another 3 unless it needs to be advertised again. The Personnel Board can pick the top 3, implied they can pick the next 3. Councilor Pelletier noted in the Charter there was nothing that described an alternate. Solicitor Teitz agreed, understood this was the usual custom, the first process not contradicting. Councilor Lambert agreed with the Solicitor, before the interview process, Charter makes it clear the Personnel Board has absolute discretion as to who they would interview. Questioned what authority if any does the Council have to compel the Personnel Board to interview someone else in this process? President deMedeiros responded none, it was the second process that was in question, have discussed with the Administrator.

T/A Wojcik defended the Personnel Board their charge was to determine who was minimally qualified, did sit in on the process, was very comfortable with how it came out. The three finalists were eminently qualified. Every candidate was asked the question what was going on in Tiverton and to discuss planning policy implications. T/A Councilor Perry opined the process was not flawed. Councilor Perry read from the Charter the Personnel Board shall 1) review all applications; 2) determine those applicants to be interviewed and 3) for those applicants interviewed, be responsible for verifying the accuracy of information on applications and checking references, including former or current employers. Further read from the General Provisions, employment shall be free of personal or political considerations. The Council stays out of the process. Councilor Perry added for the second round of interviews, regarding the 2 new appointees, Mrs. Hughes was away due to a family emergency, is not the responsibility of the Chair. President deMedeiros repeated the original question; does the Council support the hiring of a Planner?

Councilor Sousa previously on the BC, discussed at length. Should be a line item in the budget, hiring a person is like telling the people they have to pay. Suggest it should be a separate question. President deMedeiros noted a

lot of argument for this, was a Charter Complaint, the BC gave enough for a part time planner. The Council at the time believed a full time planner was needed; it was a line item in the budget. Council moves money around, if not the Fire Department would not function. President deMedeiros was of the opinion a full time planner is needed. Councilor Sousa stated was in the budget for a part time planner. Councilor Pelletier reminded everyone the Town had a full time planner; budget was reduced by the BC. Councilor Lambert was ready to make a motion; President deMedeiros was just looking for a general consensus. Councilor Perry agreed was a line item in the budget, does not mean the Council cannot find the money somewhere within the budget. Had been opposed to a full time planner but over the last 9 months is now convinced the Town needs a full time planner. Councilor Mello believed the voters wanted a part time planner; noted Ms. Michaud has done a fantastic job. Councilor Lambert supported the appointment of a full time planner. Councilor Chabot noted a planner has to interact with many committees, the Planning Board, personalities do get involved, hard to find that out during the interview process. Agreed with Councilors Sousa and Mello, there was an expectation of a part time planner or consultant. During the budget process it was a heated argument, at this point in time still seeing a part time planner in the budget. Councilor Pelletier discussed the process, the first round was suspect, some feel the second round was just as flawed. Puts in jeopardy the assets the Town has. Totally unfair to make an employee a pawn in a political machine. When Mr. Spencer left an Interim Planner was appointed. A full time planner is essential. Councilor Chabot agreed had some good points in the private sector there are certain paths. Constrained by the Charter, no process for employees, no growth potential. The Charter lacks career growth for employees or a probation period. Ms. Michaud has gone through the process twice. Councilor Pelletier noted Ms. Michaud was successful in the first round. Councilor Sousa questioned if the Administrator determined a figure to hire a full time planner. T/A Wojcik estimated the salary from \$55-65K. President deMedeiros questioned if the Council wants the Administrator to bring forth a name at the next meeting?

Councilor Perry made a motion, seconded by Councilor Sousa to have the Town Administrator bring forward a name for Town Planner at the next meeting. Discussion followed. Councilor Sousa wanted to be on record, putting the cart before the horse, does not have funding. Administrator Wojcik noted, the Council as the policy making body, by doing this, is telling the T/A to prioritize this position in light of all other financial considerations of the Town. It is significant policy guidance the T/A will not do without Council direction. Suggest removing all consultant dollars for the Town Planner, using them to pay for this position. Assuming FICA, etc., estimated cost to be \$75-80K. . In instructing the T/A this will be taking additional dollars off the table. Looking for roughly \$24K for this year, remember does not have to be a 3 year contract. As T/A mission is to grow the tax base of the Town. The Town owns the Park, need to sell and charge the Town Planner to seek out grants, anything else to sell the Park. President deMedeiros requested the Clerk read the motion again. Town Clerk Mello said the motion was to have T/A bring forward the name of a Town Planner at the next meeting. The motion had been seconded by Councilor Sousa. The motion passed on a vote of 4-3, Councilors Perry, Lambert, deMedeiros and Pelletier in favor, Councilors Sousa, Mello and Chabot opposed.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

ADVERTISED PUBLIC HEARINGS

1. Sakonnet River Outfitters, 0 Main Road (Corner of Main and Haskins Road) Plat 117, Lot 224-Request Approval of Indoor Shooting Range License – Subject to Meeting All Legal Requirements

a.Planning Board Recorded Decision on Development Plan Review

b.Shooting Ranges (Shooting Galleries) Ordinance c.Letters Received Regarding License

Solicitor Teitz handed out copies of the ordinance, the one in the Council packet, from the original public hearing had some typos, needed to insert a couple of dates. Also added the word Indoor where it should be added, simply Scribner's errors, does not think it requires another vote. Capitalized some words, inserted the year 2012 for the edition of the NRA Range Source Book. No substantive change to it. Randy Lebeau, license applicant, had gone before the Planning Board for review and decision had been recorded. No zoning issues; have done everything required. Don't expect a license to be issued because there is no building there, just want it approved. President deMedeiros noted in the PB decision four items were required including receipt of RIDOT PAP. Questioned Mr. Lebeau if these were included in the packet. Mr. Lebeau explained the only thing missing was the PAP. At this point President deMedeiros opened the hearing to public comment. Nathan Titcomb, Paul Terrace, noted this

license had been ongoing, should have been denied, has not presented a complete application. A letter should have been sent to every abutter. There is a place for this just not in this location.

Town Clerk Mello explained notices were not sent to abutters each time public hearing was continued. Same process as used for all continued public hearings. Maureen Morrow has attended each hearing, have not heard from the Police Chief on the safety of the propose gun range in a high density area. Public needs to hear his views. Chief Thomas Blakey explained was not so much of a law enforcement issue, more of a zoning and licensing issue. Anything to do with firearms have safety concerns, do address. Take into consideration in this case and that of the Rod & Gun Club is the safety of the structure the manufacturer has to meet. President deMedeiros called for public comment three more times, hearing none closed the Public Hearing, requested Council comments. Councilor Pelletier, referring to the Clerk, in the Council packet did not see a safety plan or lead management plan. Did recall the safety plan, could not remember if there was a lead safety plan. Town Clerk Mello had them from the original, will make copies for the Council. Councilor Pelletier questioned what Mr. Lebeau expected from this process. Mr. Lebeau expected once he meets all the requirements the license will be granted, will be inspected once the requirements including the safety and lead management plans are met. Not looking for licensing tonight, Chief can't inspect a building that is not there.

Solicitor Teitz envisioned three scenarios, the Council can vote to deny, vote to continue again or grant but not issue until meeting all the requirements. If granted tonight would be subject to meeting all legal requirements and have specific references to the development plan review as indicated. Once this meets all the requirements, is a ministerial act by the Clerk. Likewise if there is an appeal it sets forth a time, recommend either granting or denying. Councilor Perry had the opportunity to meet with the Fire Marshall and the Building Inspector who were going over the plans, looked vague to the Councilor. Did not think the Council could approve the license without an approved plan. Mr. Lebeau did not have a complete stamped set of plans as yet, did not want to spend thousands of dollars if not getting approve. Fire Department Chief Robert Lloyd explained Mr. Lebeau must have a stamped set of architectural drawings, being treated just like any other person who comes in. Councilor Chabot noted the PB has a set of plans. Chief Lloyd needs plans showing structural integrity. Councilor Perry had read about an archery section, did not want Mr. Lebeau to change his plans again. President deMedeiros clarified with the Solicitor the license could be granted based on the final set of plans and the Fire Marshall's approval. Solicitor Teitz agreed, Council could see more before issuing the license. Mr. Lebeau is aware that is required. Solicitor Teitz noted there are two separate elements, the building code issues and the Fire Marshall's items. The building has to have negative pressure for the lead management. Councilor Perry noted Mr. Lebeau does have this in place, still has to go through the process. Councilor Sousa was in support of this license.

Councilor Sousa made a motion to grant the license subject to meeting all legal requirements provided Mr. Lebeau provides all necessary documents and subject to meeting the requirements specifically including the items in the Development Review Planning Board recommendations dated December 3, 2014. Councilor Chabot seconded the motion. Discussion followed. Councilor Pelletier was concerned, did not have a copy of the lead management or safety plan that the PB required. Mr. Lebeau had turned in all those documents on day 1. Town Clerk Mello recalled those documents, had been submitted with the ordinance, had copied and distributed to the Council at that time. Councilor Sousa noted Mr. Lebeau submitted the documents, needs to move forward for financing. Solicitor Teitz noted the Clerk did have in the folder the range safety and lead management plans can make copies. President deMedeiros called for a vote. The motion passed on a vote of 4-3, Councilors deMedeiros, Perry and Pelletier opposed.

Council took a brief recess at this time, 9:15 p.m.

Council returned from recess at 9:30 p.m.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:
NON ADVERTISED LICENSES

1. Central Bakery, 70 Shove Street - Request Renewal of Victualling License – Subject to Meeting All Legal Requirements

2. RT 177 Flea Mkt & Snack Bar, 1560 Bulgarmarsh Road - Request Renewal of Holiday License – Subject to Meeting All Legal Requirements

3. J& D Hot Dogs, 1540 Bulgarmarsh Road – Request Renewal of Victualling License - Subject to Meeting All Legal Requirements

4. After Glow, Inc., 295 Main Road - Request Renewal of Holiday License – Subject to Meeting All Legal Requirements

5. Charles Coelho, CMC Family Limited Partnership, 1764 Crandall Road – Request Approval for Renewal of Quarry License - Subject to Meeting All Legal Requirements

President deMedeiros read all the license requests, called for comment from the public three times, hearing none closed the public hearing.

Councilor Pelletier made a motion to Approve the Non-Advertised licenses for Central Bakery, 70 Shove Street, Renewal of Victualling License, RT 177 Flea Mkt & Snack Bar, 1560 Bulgarmarsh Road - Renewal of Holiday License, J& D Hot Dogs, 1540 Bulgarmarsh Road –Renewal of Victualling License and After Glow, Inc., 295 Main Road - Renewal of Holiday License. Seconded by Councilor Chabot the motion passed unanimously.

Councilor Pelletier discussed the renewal of the Quarry License separately. Solicitor Teitz suggested not only making subject to all legal requirements and requiring an updated bond that goes through next year. Further explained this is the only quarry license issued but is not operating, others in various stages of litigation. Originally the idea was for bond and reclamation. The plans were reviewed by the Town's engineers, a bond was agreed to with Mr. Coelho. This quarry has no activity. Councilor Sousa clarified with the Solicitor the bond is the insurance in case there is a problem, Solicitor Teitz concurred. Town Clerk Mello explained this license came before the Council in October, had gone through the PB process, has a bond now, will get another if this one expires.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Renewal of a Quarry License for Charles Coelho, CMC Family Limited Partnership, 1764 Crandall Road – Subject to Meeting All Legal Requirements and the presentation of an updated bond certificate. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Resignations

1. Conservation Commission - Peter Mello, 1912 Crandall Road

Councilor Pelletier made a motion, seconded by Councilor Perry to accept the Resignation of Peter Mello, 1912 Crandall Road from the Conservation Commission. Motion passed on a vote of 6-0-1, Councilor Mello abstained.

Appointments

2. Tiverton Arts Council – Barbara F. Pelletier, 104 Bonniefield Drive - Term to 4/15/2016

Mrs. Pelletier, though not an artist has many ideas, loves public art, feels can make a contribution.

Councilor Pelletier made a motion, seconded by Councilor Chabot to appoint Barbara F. Pelletier to the Arts Council for a term expiring 4/15/2016. Motion passed unanimously.

3. Zoning Board of Review, 2nd Alternate – George S. Alzaibak, 63 Stoney Hollow Road – Unexpired Term to 7/15/2015

Mr. Alzaibak wants to get involved again, can bring a business owner's prospective.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Appoint George /s. Alzaibak to the Zoning Board of Review, 2nd Alternate to an unexpired term to 7/15/205. Motion passed unanimously.

4. Tiverton Harbor & Coastal Waters Management Commission – Bradley Schoch, 1 Mill St #1505 - Term to 7/15/2016

Town Clerk Mello explained, Mr. Schoch just contacted the Clerk's office prior to the meeting, is unable to attend. President deMedeiros noted the Council has copies of the appointment requests.

Councilor Pelletier made a motion, seconded by Councilor Perry to appoint Bradley Schoch to the Harbor & Coastal Waters Management Commission to a term to 7/15/2016. Councilor Pelletier commented on Mr. Schoch's credentials, he is an instructional designer with US Sailing. Has been a youth sailing director. Motion passed unanimously.

5. Economic Development Committee – One Unexpired Term to 7/15/2017

a. Renee deJesus-Jones, 161 Highland Road

b. Tom Principe, 490 Riverside Drive

Mrs. deJesus-Jones has a background in the health field, can develop plans, interested in smart growth. Mr. Principe was unable to attend this meeting. Councilor Pelletier explained past practice with a surplus of applicants has been to vote at the next meeting. Request Mr. Principe be contacted, President deMedeiros noted this would be tabled to the next meeting.

E-UNFINISHED BUSINESS:

There was no Unfinished Business on the agenda.

F-FINANCIAL BUSINESS:

There was no Financial Business on the agenda.

G-NEW BUSINESS:

1. Councilor Chabot – Approval of Resolution to Postpone the December 11, 2014 Adoption of the “Economic Development Plan” Known as RhodeMapRI

Councilor Chabot received a few calls, emails regarding this item. Had attended a meeting several months ago, saw a lot of maps, raised a lot of concerns. This is up for approval at the December 11 State Planning Council meeting. Has not been vetted by all the cities and towns, only two small towns have been included. Propose a resolution to request the Planning Council to not adopt and postpone further action to next year. Councilor Mello agreed with Councilor Chabot. Councilor Pelletier has reviewed the document (200 pages), could not support the language in the resolution. Councilor Sousa has followed this topic, this sets up zones for several areas, supported the resolution. Councilor Pelletier commented at length, the document was very dense, talks about a lot of things and refers to what exists in RI, sets forth strategies and recommendations. It is more than low income housing, forecasts what we should be doing, is an advisory document, good set of guidelines, analysis, methodology. Did not agree with the wording in the third paragraph about not having the opportunity to review. Councilor Lambert suggested keeping paragraph 1, 2 and the last page starting with therefore. Councilor Sousa cited the Comp Plan and the Charter already have something here. Councilor Chabot commented further, the State requires the Comp Plan, this is the State's vision, not the Towns, one size does not fit everybody. Councilor Lambert suggested deleting paragraphs 3 and 4 the beginning of paragraph 5 so it starts with therefore, modify paragraph 2 by adding after Town Council, and many citizens of Tiverton. Trish Hilton was concerned with the legislative arena of the document.

Councilor Lambert made a motion, seconded by Councilor Perry to Adopt as indicated paragraphs 1 and 2, adding to paragraph 2 after Council the many citizens of Tiverton, deleting paragraph 3 and 4 and the beginning of paragraph 5 so it starts with “We therefore”. Motion passed on a vote of 6-1, Councilor Pelletier opposed.

Adopted Resolution attached at end of minutes.

Councilor Chabot, as indicated in the Resolution requested this be sent to the Governor, Governor Elect, leadership of the General Assembly, local legislative representatives, every city and town and especially Kevin Flynn, Chair of the State Planning Council Consortium. Town Clerk Mello will have this scanned, emailed in the morning, mail hard copies as well.

2. David Robert, Tax Assessor – Brief Update on Town Website and Council Page

David Robert, Tax Assessor, also in charge of the town website informed the Council the governing contractor will be changing the look of ri.gov, will have a new template. The Council has a page with bios and pictures, suggest setting up a Saturday for anyone who wants one or even a group picture. Councilor Sousa questioned if the Council could go paperless. Mr Robert affirmed, could happen but is an expense. Councilor Sousa suggested looking at it through the budget process could be a Council goal. Councilor Pelletier suggest getting a new sound system first.

3. David Robert, Tax Assessor – Presentation on Suggested Changes to the Elderly Low Income Exemption Program and Scheduling of Public Hearing on January 26, 2015

Mr. Robert has been the Tax Assessor for 9 years, have looked at the exemptions vs other towns, three years ago was more formalized. Have reviewed with the exemption review committee for elderly low income single households and multiple person households. The income limit is the same for both, multiple person households not able to take advantage of the credit program. Presenting the proposed changes for scheduling a public input hearing on January 26, 2015. Councilor Pelletier questioned the statistical analysis, methodology. Mr. Robert explained no analysis was done, looked at current credits, other cities and towns offer several different levels of credits. Councilor Pelletier questioned the basis, if two incomes. Mr. Robert explained there could be 3 people in the household. Councilor Pelletier wanted to understand the basis of the exemption, the benchmark, would like to see more figures on a real basis. Mr. Robert can present at the next meeting, trying to work within the parameters, sensitive to the tax rate. Estimate this would help another 20 eligible households. Town Clerk Mello affirmed a public hearing will be scheduled for January 26, 2015.

4. Town Administrator – Request for Ratification of Award of Bid for Judson Street Community Center

Administrator Wojcik explained three sealed bids were received, recommend award to the highest bidder for the sum of \$66,000. The property will return to the tax rolls.

Councilor Sousa made a motion, seconded by Councilor Chabot to sell the Community Center to the highest bidder, Henry Maccarone for \$66,000. Motion passed unanimously.

Question was raised as to the use of the building as one of the bids received was for veterans housing. Looking to ensure best use for the building might not be with the highest bid.

5. Town Administrator – Ratification of Amendment to Tax Assessor Dave Robert's Contract

Administrator Wojcik requested Council approval for a 2% raise for this Fiscal Year, have met the goals established.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Ratify an Amendment to Tax Assessor Dave Robert's employment contract to reflect the 2% Salary Increase, FICA increase and employer pension contribution for a total of \$1,540 in year three of the contract. Motion passed unanimously.

6. Councilor Sousa – Discussion of Hiring Special Counsel to Seek Damages From Solicitor Teitz Relative to Tiger Tree Litigation

Councilor Sousa had some questions regarding Tiger Tree Litigation, whether the Town would be eligible to file a claim against the Solicitor's insurance, apparently an error was made. The Town is now appealing the Judge's decision, question why the Town is paying. Councilor Lambert responded what the Town has is a cause of action, it is already on appeal and could be reversed by the Supreme Court. Can't base a cause of action on a matter that can be appealed or reversed. Can't say this was a deviation from acceptable standards when there are no

standards. Second issue referred to is damages, Judge Thunberg always had the discretion to award \$1 or 500 or anything in between. Any damages you claim are speculative have to wait until the issue is resolved. At this time Councilor Perry motioned to continue past 10:30 pm.

Councilor Perry made a motion, seconded by Councilor deMedeiros to go past the 10:30 pm Governance Policy time. Motion passed on a vote of 6-1, Councilor Chabot opposed.

Councilor Pelletier noted Council Lambert gave a good encapsulation of a legal opinion. Like to think before hiring a special counsel the Town Council would conduct its own investigation, not convinced there was an egregious error. According to Councilor Sousa the Solicitor is required to review every document. Councilor Pelletier explained the document was a cover letter from a Municipal Court proceeding. President deMedeiros asked the Solicitor if he would like to respond. Solicitor Teitz responded because of the recent election this item had been in the press; felt could not sit back any longer. Councilor Sousa was upset about potential embarrassment related to a recent license renewal that had a zoning violation. Had no hesitation to slander the Solicitor. Agreed with Councilor Lambert it is a legal issue, it is a criminal case, the Town never has a right to any fine in a criminal case, always at the discretion of the Judge. In this case the Municipal Court imposed a \$2,000 fine levied over several years. Did get a conviction, this person was violating the ordinance and manufacturing compost, did ask for the maximum fine. The Town didn't lose anything, did not lose \$1.6million, requested a fine for deterrence while the zoning decision was appealed. Had nothing to do with the amount of money which was totally irrelevant. Councilor Sousa talked about an error being made; it was on a Municipal Court cover sheet filled out by Gareth Eames, enforcement officer at the time. Also noted that cover sheet was signed by that Municipal Court Judge. The Town Solicitor is responsible for filings in Court, does give copies to Council. The Solicitor is no more responsible for the cover sheet of a Superior Court clerk. The Court heard testimony over 8 days, never once was this raised. The Solicitor pointed out the Town tries to be fair in the enforcement of the rules and laws. Councilor Sousa did not agree with everything the Solicitor said.

7. Councilor deMedeiros – Process for Appointing Vacant Budget Committee Position

8. Councilor Chabot – Request Appointment of John Martin – Next Highest Vote Getter From Election to Fill Vacancy on Budget Committee

President deMedeiros explained the vacant Budget Committee position and the appointment request would be discussed together. Councilor Sousa suggested the vacant position should be filled by the next highest vote getter, John Martin. Mr. Martin had previously expressed to the Council a desire to serve. Councilor Lambert noted if the people wanted the next highest vote getter they would have made a provision in the Charter, suggest the Council go through the process. President deMedeiros explained the Charter did change, used to be the next highest vote getter. Mr. Justin Katz, at a previous Council meeting had said an appointment was never done before. President deMedeiros had documentation from November 14, 2011 in which some people did apply, interviews were done. Do know the highest vote getter in the past has been overlooked. President deMedeiros agreed with Councilor Lambert the appointment does not automatically have to go to the next highest vote getter. Councilor Chabot commented, there was a precedent in November 2010, Rob Coulter who was on the Budget Committee at the time was elected to the Council. At that time then Councilor Roderick requested Laura Epke be appointed as the next highest vote getter. Was continued to another meeting to confirm Ms. Epke needed to resign from another committee she was on. In the meantime another person applied for the Budget Committee position at that time. Did not go out and solicit applications.

Councilor Chabot was concerned, cited the Charter Section 702, Biennial elections to fill vacancies on the non-partisan Budget Committee shall be held at general elections. Councilor Pelletier cited Section 202, page 2, Vacancy of Elected Positions, should an elected position, other than the on the Town Council, be vacated for any reason, the Town Council shall appoint a person to fill the vacated position until the next General Election. Councilor Chabot explained Mr. Martin was a small business owner for many years, had been on the School Committee, should be appointed to the Budget Committee. Sally Black noted for other appointments the next highest vote getter was surpassed for appointment to the Budget Committee, precedence goes both ways. Councilor Pelletier argued the Council filled at least 3 vacancies, was not persuaded by the argument the

appointment was done shortly after the election. Should open up for an application process for the Budget Committee. Councilor Sousa suggested appointing Mr. Martin, lot of work to be done on this committee.

Councilor Chabot made a motion, seconded by Councilor Sousa to appoint John Martin to the Budget Committee. Some discussion followed, two others had been appointed right after, next highest vote getters. The motion failed on a vote of 3-4, Councilors Perry, Lambert, deMedeiros and Pelletier opposed.

Councilor deMedeiros made a motion to advertise for someone to serve on the Budget Committee. Town Clerk Mello explained the ad would have to go out tomorrow to be back by December 17 to have for the Council meeting on the 22nd, will put on the website and the Sakonnet Times. Councilor Pelletier seconded the motion. Councilor Chabot discussed, Council could appoint someone right now, not incur the cost of advertising. Councilor Sousa agreed, have a qualified candidate. The motion passed on a vote of 5-2, Councilors Sousa and Chabot opposed.

9. Councilor Pelletier – Council Liaisons to Boards and Commissions

Councilor Pelletier noted various Boards and Commissions did not have Council liaisons due to the election. Discussion followed, Councilor Sousa was interested in Economic Development, Tree Commission. Councilor Perry volunteered as a liaison to the Building Code Board of Appeals, Police Pension Board and the School Committee. Councilor Mello chose the Conservation Commission, Fogland Beach Oversight Committee, Open Space and Zoning Board. Councilor Pelletier added the Conservation Commission, Housing Authority and Recreation to his liaison list. Town Clerk Mello will provide a clean list and contact information for the Council.

10. Councilor Pelletier - Board and Commission Vacancies

Councilor Pelletier read the list of vacancies on Boards and Commissions less those just appointed. Town Clerk Mello explained per the Boards and Commissions policy will be advertising again in January. Still advertise those that will expire along with any vacancies.

H-BIDS AND REQUESTS FOR PROPOSALS:

1.DPW Director Berlucchi – Request Permission to Advertise for Bids to Purchase a New or Used Utility Truck Body for a Recently Purchased New Ford F-450 Utility Truck Chassis

DPW Director Berlucchi explained \$45,000 was budgeted from the FTR for a utility truck. Recently purchased a new truck chassis, to stay within the budget need to advertise for a used utility truck body. Councilor Sousa questioned if Director Berlucchi could be directed to purchase a used one. Solicitor Teitz explained this first has to go out to bid, if no one responds, then can come back to ask for a sole source, in the first instance State law requires. Councilor Sousa pointed out the North Providence Mayor purchased used State trucks. Solicitor Teitz explained first have to go out to bid, is for the public protection.

Councilor Pelletier made a motion, seconded by Councilor Chabot to authorize DPW Director Berlucchi to Advertise for Bids to Purchase a New or Used Utility Truck Body not to exceed \$9,960.00. Motion passed unanimously.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

T/A Wojcik thanked the Recreation Commission for last night's Tree Lighting ceremony, Santa Claus visit, was very well attended, good job. Due to deteriorating road conditions, just informed several bridges have been closed, suggests Fire Department Overtime discussion should be part of the Special Meeting on Thursday. Town Clerk Mello requested a vote to add that to the Special Meeting agenda.

Councilor Pelletier made a motion, seconded by Councilor Chabot to add the Discussion on Fire Department Overtime to the December 11 Special Meeting agenda. Motion passed unanimously.

1. Draft RFP for Town Solicitors – Authorization to Advertise

a.General Services – Town Solicitor b.Labor Services c.Legal Services – Land Use

T/A Wojcik drafted per instruction, requests for proposals for Town Solicitors. Used language from several sources, looking for feedback if moving forward. Did not require as much description for Labor and Legal services. Councilor Lambert noted this to be a fine work product, questioned why, even if the Solicitor were under contract could be fired at any time. Councilor Lambert did not know of any problems with the Solicitor, have had little contact with the Planning and Zoning Solicitor. Not in a position to make a judgment. Councilor Sousa noted the obligation was to seek out the best price, should see what others are charging. Councilor Perry had spoken to the Solicitor, was not blindsided, would expect the Solicitor to apply. Solicitor Teitz agreed should advertise if want to. Councilor Chabot noted if all three from the same place could be discounted is appropriate to do. Councilor Pelletier did not disagree, behooves the Council to meet with Peter Ruggiero, Planning/Zoning Solicitor and Mike Ursillo, Labor Counsel not sure one size fits all. General Services should have some amount of land use knowledge, should add to the five point description.

Councilor Perry made a motion, seconded by Councilor Pelletier to table to December 22 to go for advertising for all three. Seconded for discussion, with the edits to land use, request Administrator Wojcik rewrite. Motion passed unanimously.

2. Discussion on Fire Department Overtime

As previously motioned this discussion will be on the December 11 Special Meeting agenda.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Sousa is working on a proposal to create a compost facility in the Industrial Park.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Seminar – Your Role As A Public Official - Open Meetings, Public Records and Ethics

a. In-House Training Scheduling for Tuesday, January 27th or Wednesday, January 28th

b. Attorney General Open Government Summit January 15, 2015

Solicitor Teitz explained the Attorney General conducts a seminar usually twice per year on Open Meetings and Access to Public Records. The Town Clerk, Police Chief and Administrator have to attend in person or watch the video. Encourage people to attend, is useful, this year is in Warwick on a weekday morning. In years past have provided a seminar with the same information as the Attorney General on these two topics and Ethics, also answer questions. Will be held here at the Town Hall from 7-9, suggested dates, January 27 or 28. Consensus was for Tuesday, January 27.

2. Memorandum on Private Communication During Public Meetings

Solicitor Teitz explained, has come up in other communities, will also cover this at the training. Members of the public don't always get to speak at a Council meeting, have the right to see and hear what the Council is doing. Anything that takes away from that is against the spirit of the Open Meetings Act. Councilor Chabot commented, is on call 24/7 does receive some texts or is checking email. Solicitor Teitz suggested, if possible leave the Council table for a short time, is aware that won't always happen, just need to be mindful.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

There were no items from the Town Clerk.

CLOSED EXECUTIVE SESSION:

2. Solicitor – Litigation – 42-46-5(a) (2) – Faulkner v. Town of Tiverton

3. Solicitor – Litigation - 42-46-5(a) (2) - Litigation - Quarterly Litigation Report

4. Solicitor – Litigation – 42-46-5(a) (2) - Discussion of All Pending Litigation

Solicitor Teitz suggested, due to the late hour and deteriorating road conditions items 2, 3 and 4 be continued to the next meeting have no urgency. Items 3 & 4 are just discussion; Council has the backup for item 1. Would like to add to Closed Executive Session for discussion Litigation regarding the Town of Portsmouth vs RI Department

of Transportation relative to the Sakonnet Bridge Tolls. Received after the agenda was posted, email initially went into the Clerk's quarantine folder.

Councilor Pelletier made a motion, seconded by Councilor Perry to add to Closed Executive Session Litigation, Town of Portsmouth vs RI DOT, Sakonnet Bridge Tolls. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Perry to continue items 2, 3 & 4 to the next Council meeting. Motion passed unanimously.

1. Solicitor – Litigation - 42-46-5(a) (2) – McLaughlin v. Town of Tiverton

Added- Solicitor- Litigation – 42-46-5 (a) (2) – Town of Portsmouth vs RI Department of Transportation

Councilor Lambert made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation.-McLaughlin v. Town of Tiverton. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Pelletier to stay in Closed Executive Session pursuant to 42-46-5 (a) (2) - Litigation) – Town of Portsmouth vs RI Department of Transportation. Motion passed unanimously.

The Council entered into Executive Session at approximately 11:45 p.m.

The Council returned to Open Session at approximately 12:10 a.m.

OPEN SESSION:

In Open Session President deMedeiros announced no action was taken in Closed Executive Session.

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Perry, passed unanimously.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Perry, passed unanimously.

Council adjourned at approximately 12:15a.m.

A True Copy.

ATTEST: _____

Nancy L. Mello, Town Clerk

RESOLUTION OF THE TIVERTON TOWN COUNCIL

To postpone the Dec. 11th, 2014 adoption of the "economic development plan" known as RhodeMapRI.

WHEREAS, The appointed members of the Rhode Island State Planning Council Consortium is scheduled to meet and vote whether or not to adopt the so-called RhodeMapRI state economic development plan on December 11, 2014, at the William E. Powers Building, One Capital Street, Providence, RI, and

WHEREAS, The Tiverton Town Council and the many citizens of Tiverton have not had ample opportunity to study and become sufficiently familiar with the details of said RhodeMapRI and both the actual and potential impacts of its provisions, terms and conditions on the self-governance of the Town of Tiverton and its constituency, and

WHEREAS, Neither the Town Council nor any members of the public at large of the Town of Tiverton or of the State of Rhode Island has ever had an opportunity to review the contents, terms and conditions of all documents relating to the Sustainable Communities Regional Planning Grant from the Department of Housing and Urban Development (HUD), which is the primary source of funding for the creation of the Rhode Island State Planning Council Consortium and RhodeMapRI, and

NOW THEREFORE BE IT RESOLVED, that the Tiverton Town Council therefore respectfully requests that the State Planning Council Consortium postpone its meeting to vote on whether or not to adopt its Plan until sometime in early 2015 in order to allow for such critically needed public debate and the proper education of state and local elected officials and the public at large on the real, potential and alleged costs and benefits, if any, of said Plan to the Town of Tiverton and the State of Rhode Island.

BE IT FURTHER RESOLVED, that copies of this Resolution be conveyed to His Excellency, Governor Lincoln Chaffee, Governor Elect Gina Raimondo, the leadership of the Rhode Island General Assembly, the legislation delegation from Tiverton, each and every city and town in Rhode Island and to Mr. Kevin Flynn, Chairman of the State Planning Council Consortium.

Adopted by the Tiverton Town Council on the 8th day of December, 2014.